

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. C-08-62
	§	
BENITO VARGAS-CORDERO	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL


A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant is a poor candidate for bond because of his contacts with Mexico, and because he lives with his wife, an illegal alien. Furthermore, defendant has not produced a co-surety with sufficient assets to address the risk of flight. The government's motion for detention is granted. The defendant's request for bond is denied without prejudice. If the defendant can produce a co-surety and demonstrate that steps have been taken to legalize the wife's status in the United States, this order will be reconsidered.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 6th day of February, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE